UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,143	03/25/2004	Christopher G. Cifra	5150-82400	7400

7590	05/17/2006

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EXAMINER
GUTIERREZ, ANTHONY

ART UNIT	PAPER NUMBER
2857	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/809,143	CIFRA ET AL.
	Examiner	Art Unit	
	Anthony Gutierrez	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 March 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

2.   Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Applicant has amended the claims to include the limitation that one of the prior

operations serves as an input signal source. It is unclear to the Examiner how an

operation can be an input **signal source**. The Examiner does not understand whether

the Applicant intends the claim language regarding "signal source" to be with respect

to a signal generator or a previously used signal, or if the Applicant intends the

language regarding the signal source to be broad enough to encompass operations or

types.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   Claims 1-21 are rejected under 35 U.S.C. 102(a) as being anticipated by Hoffberg

et al. (United States Patent Application Publication: US 2002/0151992 A1).

As to claims 1-3 and 19-21, Hoffberg et al. discloses a memory medium

comprising program instructions for specifying a signal analysis function, wherein the

memory medium is in a computer system comprising a display, wherein the program

instructions are executable to implement: receiving user input specifying a first

operation, wherein the operation implements at least a portion of a signal analysis

function (paragraphs 0888, 0890, and 0247); automatically (paragraphs 0921, 0922, and

0914) analyzing prior operations input by the user to determine one of the prior

operations as an input signal source for the first operation with respective signal and

data types, wherein the input source provides a first input signal (paragraph 0880);

performing the first operation on the first input signal received from the input source,

wherein said performing produces an output signal displaying the output signal on the

display for each of a plurality of first operations input by the user, wherein the respective

output signals comprise the first input signal (paragraphs 0881 and 0882).

As to claims 4, 7, and 8, Hoffberg et al. discloses querying a database to

determine the prior operation that provides an output signal of the appropriate signal

type (paragraphs 0296 and 0821), wherein the database comprises information

indicating respective output signal types of the prior operations, analyzing input/output

(I/O) dependencies among the prior operations and the first operation (paragraph

0819), wherein the (I/O) dependencies indicate a proximity ordering of the prior

operations with respect to the first operation; and querying the database based on the

proximity ordering of the prior operations, beginning with an initial prior operation that is

closest to the first operation with respect to (I/O) dependencies (paragraph 0891 with respect to the chronological database).

As to claims 9 and 10, Hoffberg et al. discloses, iteratively querying the database for each of a plurality of input signals (paragraph 0883 and 0901, where the reference discloses that the programmable control may further comprise the chronological database).

As to claims 5 and 6, Hoffberg et al. discloses querying a first function block to determine the one or more appropriate signal types for the first operation, wherein the first operation requires a plurality of input signals, querying the first function block to determine a number of inputs required for the first operation; and programmatically analyzing prior operations input by the user to determine a plurality of input sources for the first operation corresponding to the number of input signals required for the first operation (paragraphs 1088 and 1089, with respect to the fractal compression method of Barnsley and Sloan as it applies to automatic image processing in the present invention, see also paragraphs 1095 and 1096).

As to claims 11 and 12, Hoffberg et al., discloses that if no prior operations provide an output signal of an appropriate signal type, displaying one or more additional operations that provide an output signal of the appropriate signal type; and receiving additional user input selecting an additional operation from the additional operations (paragraph 0823).

As to claims 13-18, Hoffberg et al. receiving user input modifying a configuration of a first function block, thereby changing input signal specifications for a corresponding operation, wherein original input signal specifications for the

corresponding operation specify a first input signal type for the corresponding

operation, and wherein the changed input signal specifications specify a second,

different, input signal type for the corresponding operation including the use of a

second output signal type (paragraph 0237), including displaying a diagram that

visually represents I/O relationships between function blocks, including automatically

updating the diagram in accordance with the changed 1/0 relationships between the

function blocks (paragraph 0245).

Response to Arguments

5.   Applicant's arguments filed 3/15/06 have been fully considered but they are not

persuasive.

The Applicant and the Examiner have held differing opinions about the

language regarding an "an input source" versus an "input signal source". The Examiner

has agreed that a useful (but not necessarily novel) distinction would be regarding the

step of "providing" a first input signal when it is done by an "input **signal source**" as

opposed to an "input source".

In the example presented by the Examiner previously regarding providing light

either by a light switch (analogous to a "source") or a light bulb (analogous to a " signal

source"), the Examiner is attempting to address that absent the **specific** language of **an

input signal source that provides an input signal**, the Examiner is free to broadly but

reasonably interpret the **providing** step without specific respect to the signal generator

(analogous to the light bulb).

The Examiner also recognizes that the use of a signal (itself) from a prior operation as an input into a later operation could serve as a signal source, which at the very least suggests a distinction from and a limitation to the originally present claims.

The Applicant, however, has chosen to amend the claims with language where "one of the prior **operations**" **itself** (Examiner emphasis added) is the input signal source.

This language is **not** necessarily understood by the Examiner to mean that **a signal from** one of the prior operations is the input signal source, but rather that an **operation** is the input signal source.

The Examiner has rejected the claims as being indefinite with respect to the amended language because if the assumption in the record is that an image type (by virtue of it being a characteristic) cannot be an input signal source then it follows that neither can an operation.

The Examiner therefore maintains his original prior art rejection based on the reasoning that if something that is neither a signal nor a signal generator (in this case an "operation") can serve to properly (with respect to the language) be a "signal source", then the Examiner concludes that an image type which is related to prior operations and which provides a signal that corresponds to it (based on the Examiner's use of the word "provide") can also properly be a "signal source".

With respect to subject matter under this broad but reasonable interpretation, the Examiner believes the original paragraph citations, applied in the rejection above, demonstrate that the image types which serve as the input source for the signals are related to prior operations of the user.

The Examiner has cited additional sections to specifically address that the analysis is done automatically.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United States Patent Applicant Publication: US 2006/0025970 A1 to Wegerlich, teaches a method for complex signal decomposition and modeling that uses a reference library, diagnostic lookup, and an empirical modeling engine.

United States Patent US, 7,031,980 B2 to Logan et al., teaches music similarity function based on signal analysis.

United States Patent US 7,013,232 B2, to Fuller, III et al., teaches a network-based system for configuring a measurement system using configuration information generated based on a user specification.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (571) 272-2215. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
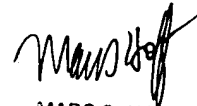
Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

AG

Anthony Gutierrez

5/12/06

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